IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 469 (M/B) of 2004

Manoj Kumar and others …… Petitioners.

Versus

State of Uttaranchal and
Others …… Respondents.

……..…..

Mr. Alok Singh, Senior Advocate, learned counsel for the petitioners.
Mr. S.Dhulia, Senior Advocate, learned counsel for the State.

Writ Petition No. 874 (M/B) of 2004

Shir Shashank Sharma and
Others …… Petitioners.

Versus

State of Uttaranchal and
Others …… Respondents.

Mr. S.K. Jain, Advocate, learned counsel for the petitioners.
Mr. S.Dhulia, Senior Advocate, learned counsel for the State.

Writ Petition No. 480 (M/B) of 2004

Shir Rajeev Berry and
Others …… Petitioners.

Versus

State of Uttaranchal and
Others …… Respondents.

Mr. L.P. Naithani, Sr. Ad.i/b Mr. Ramji Srivastava, learned counsel for the petitioners.
Mr. S. Dhulia, Senior Advocate, learned counsel for the State.

JUDGMENT

Coram: Hon'ble V.S. Sirpurkar, C.J.
Hon'ble Irshad Hussain, J.

Dated: 30.10.2004.

P.C:

In these three writ petitions, particularly in writ petition no. 469 of 2004(M/B) and 874 of 2004 (M/B), the notification under section 4 of the Land Acquisition Act has been challenged. So also challenge is to the notification under section 17 (4) of the Land Acquisition Act by applying

the urgency clause. In writ petition no. 480 of 2004 (M/B), there is a common challenge to the notification which provides for the acquisition of the land for extension of the Secretariat as also for the expansion of the road. These notifications are different.

Mr. Sudhanshu Dhulia, Senior Advocate, in his usual fairness has shown readiness to hear the petitioners or as the case may be the persons interested, instead of going ahead with the urgency clause and more particularly dispensing with the enquiry under section 5-A. In view of the statement made, Mr. Naithani, Senior Advocate appearing on behalf of the petitioners withdraw the writ petitions so far as challenged to the notification dated 5.5.2004 is concerned.

In view of the urgency felt, we feel that it will be better for us to fix the programme. Public notice shall, therefore, be given within seven days form today inviting the objections. The concerned Land Acquisition Officer, who is to hear the objection, shall hear them within fifteen days. All the objections shall be filed before the Land Acquisition Officer and the Land Acquisition Officer shall dispose of the matter one way or the other after giving full opportunity of hearing, etc. by December. 2004 or as the case may be earlier thereto.

With this, we dispose of writ petition no. 469 of 2004(M/B), 874 of 2004 (M/B)and partly writ petition no. 480 of 2004 (M/B).

(Irshad Hussain, J.) **(V.S. Sirpurkar, C.J.)**

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